



California Fair Political Practices Commission

March 20, 1989

Janet Gray Hayes
1155 Emory Street
San Jose, CA 95126-1705

Re: Your Request For Advice
Our File No. A-89-033

Dear Ms. Hayes:

You have requested advice concerning the campaign disclosure provisions of the Political Reform Act.^{1/} This letter confirms the advice I provided to you by telephone.

FACTS

Your committee, Mayor Hayes Committee, has been in existence since 1979, and currently has campaign funds. You have not held elective office since 1982, and at this time you do not have plans to run for a political office.

QUESTIONS

- (1) Can your committee retain the funds it now has?
- (2) Can committee funds be used for the following purposes:
 - (i) Donations to community non-profits such as the Museum of Art?
 - (ii) Support of or opposition to ballot propositions?
 - (iii) Contributions to political candidates?
 - (iv) Support for organizations such as the Environmental Defense Fund, Handgun Control, League of Conservation Voters.

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

(3) You also asked questions concerning the requirement to file FPPC Forms 501 and 502 ("Candidate Intention" and "Campaign Bank Account" statements).

CONCLUSIONS

(1) Your committee may retain the campaign funds it currently has.

(2) Regarding use of the campaign funds held by the committee:

(i) and (iv) We are unable to provide an answer concerning whether it is permissible to donate the campaign funds to community non-profit organizations, or to the other types of organizations listed in (iv) above. These questions must be addressed by the California Attorney General's office. Please contact Mr. Ted Prim, Deputy Attorney General, at (916) 324-5481.

(ii) Committee funds may be used to make contributions to support or oppose ballot measures, other than measures to recall a California state or local officeholder.

(iii) Committee funds received prior to January 1, 1989, may not be used to support or oppose California state or local officeholders or candidates for state or local elective offices.

(3) You are not required to file the Form 501 ("Candidate Intention") or the Form 502 ("Campaign Bank Account") in connection with your current committee, or to use the funds held by your committee.

ANALYSIS

There is nothing in the Political Reform Act which would prohibit the committee from retaining the funds it currently holds.

Section 85306 provides:

Any person who possesses campaign funds on the effective date of this chapter may expend these funds for any lawful purpose, other than to support or oppose a candidacy for elective office. (Emphasis added.)

California Elections Code Section 12400, et seq. set out the "lawful purposes" for which campaign funds may be used.

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Regulation 18536.2 (copy enclosed) clarifies the types of expenditures which are to "support or oppose a candidacy for elective office."

Use of the funds for donations to non-profit organizations listed in (i) above, and the other organizations listed in (iii) above: California Elections Code Section 12400, et seq., prohibit personal use of campaign funds, and set out the permissible uses of surplus campaign funds. The Fair Political Practices Commission does not interpret this statute. The California Attorney General is responsible for its interpretation and enforcement. A determination of whether your committee funds may be used to make donations to the non-profit and other organizations listed in (i) and (iv) above, must be addressed by the Attorney General's office.

Use of the funds to make contributions to support or oppose ballot measures: Payments made to or at the behest of a committee primarily formed to support or oppose a ballot measure or the qualification of a ballot measure are payments for "political purposes" and are permissible because such payments are not to "support or oppose a candidacy for elective office." (Regulations 18215 and 18215; Section 85306.) Payments made for communications which expressly advocate the passage or defeat of a ballot measure or the qualification of a ballot measure, when the payments are not made at the behest of a candidate or committee, are "independent expenditures" (Section 82031), and are permissible.

Use of the funds to make contributions to support or oppose candidates: Although payments made to or at the behest of California state and local officeholders, candidates for state and local office, and their controlled committees are "contributions," such payments may not be made with campaign funds which were received by your committee prior to January 1, 1989. (Section 85306.) In addition, campaign funds received by your committee prior to January 1, 1989, may not be used to make "independent expenditures" to support or oppose candidates for state or local office. (Regulation 18536.2, copy enclosed.)

The Form 501 ("Candidate Intention") is required by Section 85200, which provides:

Prior to the solicitation or receipt of any contribution or loan, an individual who intends to be a candidate for an elective office shall

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file with the commission a statement signed under penalty of perjury of intention to be a candidate for a specific office.

Section 85201 provides that such an individual must also establish a bank account and report certain information to the Commission. This information is reported on a Form 502 ("Campaign Bank Account" statement).

Because you do not intend to be a candidate for elective office and solicit or receive campaign contributions, you are not required to file either the Form 501 or the Form 502.

If you should decide to solicit or receive campaign contributions, either as a "candidate" or as a "recipient committee," please contact us, and we will be happy to provide you with information concerning the Act's campaign registration and reporting requirements.

I hope this information is helpful to you. Please call me at (916) 322-5662 if you have any questions.

Sincerely,

Diane M. Griffiths
General Counsel



By: Jeanne Pritchard
Division Chief
Technical Assistance and
Analysis Division

Encls: The Political Reform Act
of 1974 as Amended to
January 1, 1989

Regulations 18215, 18225, and 18536.2

FPPC

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1155 Emory Street
San Jose, CA 95126-1705
January 12, 1989

To: Diane Griffiths, General Counsel
428 J Street, c/o Fair Political Practices Commission
Sacramento, CA 95814
Re: Clarification of Reporting Requirements

Dear Ms. Griffiths:

I am writing for clarification relative to my "Mayor Hayes Committee" fund, ID# 745727, which has been in existence since 1979. Following my 8 year term as San Jose Mayor on 12/31/82, I left that office with approximately \$77,700 in the fund. Since 1983, I have not held any public office nor have I run for any office (our State legislators and Congressmen from my area are senior members, well-entrenched in office, and personal friends). Therefore, over the past five years, the monies in my fund have been utilized to help non-profit community groups, assist other political candidates, support or oppose ballot propositions, support political causes. All contributions have been regularly reported in a timely manner to your offices.

My treasurer, Ms. G. Ann Strangman, 2339 Dry Creek Rd. San Jose 95124, reports to me that as of December 31, 1988, there was about \$23,000 remaining in the Committee fund. At this time I do not have any specific plans to run for any particular political office. I am currently in my second term as Board President of the non-profit San Jose Museum of Art and in my fifth year as board member of the non-profit League to Save Lake Tahoe.

With the passage of Proposition 73, it is unclear as to how the remaining money can now be spent and how I should properly complete the new forms requesting the "Campaign Bank Account" and the "Candidate Intention". My specific questions are as follows:

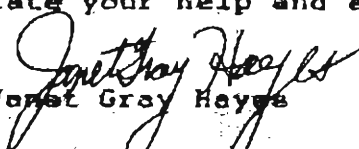
Can my Committee fund continue to keep money?

Can expenditures be made for:

- 1) Community non-profits such as our Museum of Art?
- 2) Support/Opposition to ballot propositions?
- 3) Other political candidates?
- 4) Support for political organizations, i.e. Environmental Defense Fd, Handgun Control, League of Conservation Voters.

How should the boxes called "Specific Office Sought" on the FPPC forms 501 and 502 be completed? I am probably an anomaly but I want to do what is right -- and at this point I would like to be in a position to continue supporting worthwhile non-profit groups.

I would very much appreciate your help and enlightenment.


Janet Gray Hayes

cc: G. Ann Strangman, Treas., 2339 Dry Creek Rd., San Jose CA 95124

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the 1990s, the number of people in the world who are under 15 years of age is expected to increase from 1.1 billion to 1.5 billion. The number of people aged 65 and over is expected to increase from 200 million to 400 million. The number of people aged 15 and over is expected to increase from 3.5 billion to 4.5 billion. The number of people aged 15 and over is expected to increase from 3.5 billion to 4.5 billion. The number of people aged 15 and over is expected to increase from 3.5 billion to 4.5 billion.

1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Arar and Collins (1971) using a Shimadzu 1010 UV-Visible Spectrophotometer. The concentration of chlorophyll was expressed in $\mu\text{g mL}^{-1}$ of the sample.

* <http://www.oxfordjournals.org/doi/10.1093/oxfordjournals/oxfam.a014111>

Janet Gray Hayes

1. The first part of the document is a letter from the author to the reader, explaining the purpose of the study and the methods used. The letter is dated 1998 and is signed by the author.



California Fair Political Practices Commission

January 20, 1989

Janet Gray Hayes
1155 Emory Street
San Jose, CA 95126-1705

Re: Letter No. 89-033

Dear Ms. Hayes:

Your letter requesting advice under the Political Reform Act was received on January 17, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Jeanne Pritchard
Jeanne Pritchard

Chief Technical Assistance
and Analysis Division

by jpb

JP:plh